

**To:** "Stephen Kehayes" [Stephen.Kehayes@dep.state.nj.us]; Janine MacGregor" [Janine.MacGregor@dep.state.nj.us]; Tom Cozzi" [Tom.Cozzi@dep.state.nj.us]  
**Cc:** Ray Basso/R2/USEPA/US@EPA;Elizabeth Butler/R2/USEPA/US@EPA;Patricia Hick/R2/USEPA/US@EPA;"Theodore A. Schwartz" [TSchwartz@scarincihollenbeck.com]; lizabeth Butler/R2/USEPA/US@EPA;Patricia Hick/R2/USEPA/US@EPA;"Theodore A. Schwartz" [TSchwartz@scarincihollenbeck.com]; atricia Hick/R2/USEPA/US@EPA;"Theodore A. Schwartz" [TSchwartz@scarincihollenbeck.com]; Theodore A. Schwartz" [TSchwartz@scarincihollenbeck.com]; William A. Baker" [WBaker@scarincihollenbeck.com]; Thomas Gallagher" [tgallagher@morriscompanies.com]; Mark Bava" [mbava@morriscompanies.com]; jruf@s2c2inc.com>;[jamespmack@jpm-llc.com]; jamespmack@jpm-llc.com>[]  
**From:** "John M. Scagnelli"  
**Sent:** Thur 6/23/2011 11:19:26 PM  
**Subject:** RE: Tierra/Morris mtg on 23rd?  
[compare 5-3-11UPF to previous.pdf](#)  
[00964G03.pdf](#)  
[Chromium Soil Sample Locations.pdf](#)  
[Chromium Summary Table.pdf](#)

Steve: Morris Companies has provided Tierra Solutions with the RAWP remediation report data for the Former Fairmount Site in both electronic and hard copy form. During the June 13, 2011 technical meeting, Jason Ruf of S2C2, one of Morris' consultants, reviewed the Areas of Concern (AOCs) which will be impacted by Tierra's expanded footprint with Tierra and its consultants, Arcadis. In late May, Tierra advised Morris that it was expanding the footprint of its UPF on the Fairmount Site beyond the footprint which it had originally depicted in its April 2011 lease agreement with Morris. This expansion intruded upon additional RAWP AOCs on the Fairmount Site. We discussed this expansion and its impact upon the RAWP AOCs with Tierra and Arcadis during the June 13, 2011 meeting.

The following attached figures show Tierra's expanded UPF footprint and its relationship to the Fairmount RAWP areas:

- Comparison of April 2011 UPF Footprint to May Expanded Footprint;
- May 2011 Proposed Excavation Depths Figure Showing Tierra's Proposed Soil Excavation Areas and the RAWP Affected Areas Within the Footprint;
- Chromium Soil Sampling Locations Within Tierra's Footprint;
- Chromium Soil Sampling Results Table.

Jason Ruf of S2C2 will be able to present a graphical overlay of affected RAWP AOCs and affected areas of chromium impacted soils within Tierra's expanded UPF footprint on screen to support our discussion.

Please let me know if you need any additional information. We look forward to seeing you on June 27.

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-----Original Message-----

From: Stephen Kehayes [<mailto:Stephen.Kehayes@dep.state.nj.us>]  
Sent: Thursday, June 23, 2011 3:24 PM  
To: Janine MacGregor; Tom Cozzi  
Cc: Basso.Ray@epamail.epa.gov; Butler.Elizabeth@epamail.epa.gov; Hick.Patricia@epamail.epa.gov; John M. Scagnelli; Theodore A. Schwartz  
Subject: Re: Tierra/Morris mtg on 23rd?

I will be able to attend the meeting on Monday, 1:00, at the Lyndhurst office of Scarinci Hollenbeck. I will await final confirmation from Elizabeth.

Elizabeth & Ray, all the data that exists for this site, including all available chromium data, are in the DEP remediation reports. This has always been available to Tierra. Morris formatted the data as an overlay to the original Tierra project area. Tierra then expanded the project area.

John & Ted, attached is a presentation prepared by Tierra that describes their project. I believe you saw this last Monday. It does not include a description of the Areas of Concern underlying their project area. Would you please provide, if available, the site sampling data underlying the latest Tierra project area?

We all want this removal project to happen. The dioxin has been in our river far too long. I will do what I can to provide guidance on performance criteria.

Thank you,  
Steve

Stephen Kehayes  
State of New Jersey  
Department of Environmental Protection  
Division of Responsible Party Site Remediation Office of Brownfield  
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>>> <Butler.Elizabeth@epamail.epa.gov> 6/23/2011 10:09 AM >>>  
Hi All.

Tierra is working with Morris to confirm the exact time for the meeting on Monday, the 27th, but it is looking like the meeting will be at 1:00 in Lyndhurst, NJ at the offices of Morris's lawyers. They expect there to be about 20 people in attendance including EPA and DEP. I'm reattaching Tierra's presentation here since that will likely be the basis for the discussions. I will get back to you with a confirmed time and exact location shortly.

Thanks,  
Elizabeth

From: "Tom Cozzi" <Tom.Cozzi@dep.state.nj.us>  
To: "Janine MacGregor" <Janine.MacGregor@dep.state.nj.us>, Elizabeth

Butler/R2/USEPA/US@EPA  
Cc: "Stephen Kehayes" <Stephen.Kehayes@dep.state.nj.us>, Ray Basso/R2/USEPA/US@EPA, Patricia Hick/R2/USEPA/US@EPA  
Date: 06/22/2011 11:38 AM  
Subject: Re: Tierra/Morris mtg on 23rd?

yes; the hold is for this meeting; so the 27th works for me

>>> Janine MacGregor 6/21/2011 11:29 AM >>>  
I will still be on vacation the whole week. I looked at Tom and Steve's schedules and Steve is on vacation every day except Monday the 27th, so only that day would work for him. Tom has a hold on Monday but it says Passaic so maybe he was already thinking about your suggestion. I'm sure folks would prefer it in Edison if possible.

TOM AND STEVE...please weigh in. Thanks, Janine

>>> <Butler.Elizabeth@epamail.epa.gov> 6/16/2011 1:49 PM >>>  
Since most of us will be at the Newark Bay risk assessment meetings on

the

28th and 29th, any chance we can piggyback and do the afternoon of the 29th in Edison? If not, could you swing the afternoon of the 27th here in

NY?

If neither of those options work, please let me know your availability for

the 30th and 1st.

Thanks.

From: "Tom Cozzi" <Tom.Cozzi@dep.state.nj.us>  
To: Elizabeth Butler/R2/USEPA/US@EPA  
Cc: "Janine MacGregor" <Janine.MacGregor@dep.state.nj.us>, "Stephen Kehayes" <Stephen.Kehayes@dep.state.nj.us>, Ray Basso/R2/USEPA/US@EPA, Patricia Hick/R2/USEPA/US@EPA  
Date: 06/16/2011 01:22 PM  
Subject: Re: Tierra/Morris mtg on 23rd?

Steve?

>>> <Butler.Elizabeth@epamail.epa.gov> 6/16/2011 12:26 PM >>>

Well, can you help push Morris to get the data? He says he'll give it to

Tierra tomorrow. I'm not holding my breath. If need be I'll send a 104e

request letter to get it if it doesn't get delivered to Tierra tomorrow,

but if you have any sway or maybe have the data in-house somewhere then

I

could push on Tierra to do their part.

From: "Tom Cozzi" <Tom.Cozzi@dep.state.nj.us>  
To: "Janine MacGregor" <Janine.MacGregor@dep.state.nj.us>, Ray Basso/R2/USEPA/US@EPA, Elizabeth Butler/R2/USEPA/US@EPA  
Cc: "Stephen Kehayes" <Stephen.Kehayes@dep.state.nj.us>, Patricia Hick/R2/USEPA/US@EPA  
Date: 06/16/2011 11:58 AM  
Subject: Re: Tierra/Morris mtg on 23rd?

yes; I need to know this info: I asked for this a month ago!

>>> Janine MacGregor 6/16/2011 8:45 AM >>>

Can we hold off until Morris gets Tierra the accurate data, and then Tierra

puts it on the contam map overlain with site layout? Janine

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>>> <Butler.Elizabeth@epamail.epa.gov> 6/15/2011 5:25 PM >>>  
Tierra is going to send me the presentation that they gave to Morris on Monday with their proposals for how to work this situation out. Once I get it I will forward it to all of you. In the meantime, however, please note that the contaminated areas map overlain with the site layout that is

included in the presentation is not accurate. Morris informed Tierra on Monday that the RI data he had provided them was not all of the data he had. Turns out there is worse contamination out there than what they realized when they put the map together. Tierra requested the additional data but has not yet received it so until they get that data, understand that the map they put together is not fully accurate.

From: Ray Basso/R2/USEPA/US  
To: Janine.MacGregor@dep.state.nj.us  
Cc: Elizabeth Butler/R2/USEPA/US@EPA, Patricia Hick/R2/USEPA/US@EPA,  
Stephen.Kehayes@dep.state.nj.us, Tom.Cozzi@dep.state.nj.us  
Date: 06/15/2011 05:16 PM  
Subject: Re: Tierra/Morris mtg on 23rd?

good point! i agree. we need to have as much certainty as possible in

this

process.

-----"Janine MacGregor" <Janine.MacGregor@dep.state.nj.us> wrote: -----  
To: "Stephen Kehayes" <Stephen.Kehayes@dep.state.nj.us>, "Tom Cozzi" <Tom.Cozzi@dep.state.nj.us>, Ray Basso/R2/USEPA/US@EPA, Elizabeth Butler/R2/USEPA/US@EPA, Patricia Hick/R2/USEPA/US@EPA  
From: "Janine MacGregor" <Janine.MacGregor@dep.state.nj.us>  
Date: 06/15/2011 03:11PM  
Subject: Re: Tierra/Morris mtg on 23rd?

Hi all, one thought about this meeting is that for it to be productive, we

need what Tom asked them for.... We need a map of the area, overlain with the contaminated areas and (or preferably areas Morris is supposed to

dig out), plus the areas of the site where they are going to be operating the dewatering and water treatment, and somehow we need to see where they would propose to move piles out or fill soil in.

I'm hoping we'll have all this so we can help them settle this thing...but

we won't be able to get as much done if they just talk in generalities.  
Thx, Janine

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or under the New Jersey Open Public Records Act.

>>> <Butler.Elizabeth@epamail.epa.gov> 6/14/2011 4:55 PM >>>  
So it turns out Tierra and Morris would like to move forward with a meeting with all of us present. My understanding is that at the meeting yesterday one possible solution that came up was for Tierra to temporarily

stockpile any contaminated soils that need to be excavated and then when Tierra deconstructs everything at the end to return those soils to their original locations under some kind of gravel cover or something. Morris in exchange seems to be hoping to get a deed restriction from the DEP. I don't have all the details - I just wanted to share the gist of what I learned about yesterday's meeting.

Therefore, please confirm that you are still available for a meeting on Thursday, the 23rd (this was a day that previously worked for everyone).